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FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

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MUR 5238

SENSITIVE

In the Matter of)

Schumer '98)

and Steven D. Goldenkranz, as Treasurer)

Harold Fetner)

Howard Rubin)

GENERAL COUNSEL'S REPORT #6

I. ACTIONS RECOMMENDED

Accept the attached Conciliation Agreement with Schumer '98 and Steven D.

Goldenkranz, as Treasurer, take no further action against Harold Fetner and Howard Rubin,

approve the appropriate letters and close the file.

II. DISCUSSION

23.04.406.0969

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B. RESPONDENTS FETNER AND RUBIN

On December 6, 2001, the Commission found reason to believe that nine individuals, including Respondents Fetner and Rubin, made excessive contributions to Schumer '98. The Office of General Counsel negotiated conciliation agreements with six of the nine respondents. The Commission took no further action with respect to a seventh respondent.

For the reasons set forth below, this Office recommends that the Commission close the matters involving Respondents Fetner and Rubin.

As an initial matter, these acts would not be pursued if the new regulations on reattribution and redesignations applied. Had the new regulations been in place when Rubin made his \$4,000 contribution, half of the contribution would have been attributed to his wife because the contribution check was written on what appears to be their joint account. Because she had made no prior contributions to the Committee during the relevant period, \$2,000 of the contribution could have been properly attributed to her. In addition, the contributions would

23-04-406-0970



Beth N. Mizuno
Attorney

Attachment

Conciliation Agreement

23.04.406.0972